

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5763

IN THE MATTER OF:

Served December 8, 1999

Application of ADVENTURES BY DAWN)
L.L.C. for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-99-68

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

A determination of compliance fitness is prospective in nature.¹ The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.² Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.³ The past conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.⁴

Applicant is owned in part by Mohammad R. Khan, applicant's president and owner of Dawn Limousine Service. Dawn Limousine Service was named as a defendant in a complaint filed by the Commission in the United States District Court for the District of Columbia in 1997. The complaint alleged that defendants transported passengers for hire in the Metropolitan District without authority in violation of the Compact and/or held themselves or their employers out to perform said transportation. The complaint was filed with the Court but never served on Dawn Limousine Service or Mr. Khan.

Commission records show that Dawn Limousine Service held itself out as a passenger carrier in the May 1997 - April 1998 issue of the "Yellow Pages" for the District of Columbia. The advertisement offers

¹ In re Phoenix Limo. & Tour Co., No. AP-98-10, Order No. 5304 (Apr. 6, 1998).

² Id.

³ Id.

⁴ In re Miju Express, Inc., No. AP-91-36, Order No. 3865 (Dec. 19, 1991).

service in sedans, stretches, minibuses and coaches, generally, and flat-rate service to airports, specifically. The telephone number in the advertisement, when dialed today, connects callers with offices at 3201 - 8th Street, N.E., Washington, DC, which is where callers were connected in 1997, as well.

Mr. Khan will be required to file an affidavit explaining the circumstances of Dawn Limousine Service holding itself out to the public as a District of Columbia limousine service in 1997 and 1998, plus copies of any passenger carrier certificates held by Dawn Limousine during that period.


In addition, applicant will be directed to file a list of vehicle tag numbers and a statement explaining why the letters "WMATC" are currently displayed on one of its vehicles, as observed recently by a member of the Commission's staff.

THEREFORE, IT IS ORDERED:

1. That Mohammad R. Khan shall file within thirty days an original and four copies of an affidavit explaining the circumstances of Dawn Limousine Service being held out for hire as a passenger carrier in the DC area in 1997 and 1998, plus five copies, each, of any certificates authorizing Dawn Limousine Service to transport passengers for hire during that period.

2. That applicant shall file within thirty days an original and four copies of a current list of its revenue vehicles, including tag numbers, and an original and four copies of a statement explaining why the letters "WMATC" are currently displayed on one of those vehicles.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director